the Merchant Shipping (Amendment) Bill, 1998. Shri M. Thambi Durai.

THE MERCHANT SHIPPING (AMENDMENT) BILL, 1998

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): Madam, I beg to move:—

> "That the Bill further to amend the Merchant Shipping Act, 1958, be taken into consideration."

Madam, with your permission, I would like to say a few words while moving the Merchant Shipping (Amendment) Bill, 1998.

India ratified the Merchant Shipping (Minimum Standards) Convention, 1976, commonly known as Convention No. 147 on 26.9.96 and it came into force in India after a period of twelve months, that is, on 26.9.97.

The Convention prescribes a set of minimum standards, including standards relating to safety, social security and shipboard conditions of employment and living arrangements, to be observed by States in respect of ships registered in their territory.

Indian law and practice substantially comply with the provision of the Convention. However, in order to conform, in full, to the requirements of the Convention, following amendments were considered essential:—

(i) At present the Merchant Shipping Act does not specify fixed hours of work for seamen. However, as per the bilateral agreement between the shipowners and the seafarers, the normal hours of work is 8 hours a day from Mondays to Fridays and 4 hours a day for Saturdays, making a total of 44 hours per week. The ILO Convention lays down for the Member countries to specify the working hours. Keeping the practice for the seamen on Indian ships, it is proposed to provide, in the law, for the first time, that ordinary hours of work, for seamen shall not exceed 48 hours per week. However, under the bi-lateral agreement between the seamen and shipowners, they may be eligible for double the wages beyond 44 hours up to 48 hours and even beyond this limit.

But the incharge of the ship will be liable for payment of fine, of double the wages payable, beyond 48 hours.

At present, the law provides for investigation of complaints in respect of Indian seamen working on Indian registered ships by the Shipping Master. However, for the first time, as per Convention, it is being provided that Shipping Master may receive complaints from foreign seamen, working on a foreign vessel or by Indian seamen, working on a foreign vessel, while they are in Indian waters. It is being made a part of duty of Shipping Master, to transmit the complaints, so received, to the Competent Authority of the Registering Country, of the ship and a copy of this complaint will also be endorsed by the Shipping Master to the Director General, International Labour Organisation, Geneva. The Shipping Master, under the Instrument of Convention, ratified by India, has been nominated as the Competent Authority for receiving such complaints from the Competent Authority in other countries.

At present whenever any shipping casualty occurs, resulting into loss of ship or loss of life or material, a preliminary enquiry is made and thereafter the Government, may refer it to the Judicial Magistrate for a formal Investigation. The Magistrate submits the formal investigation report to the Government. At present, its contents are not made public. For the first time, by this Bill, it is proposed to insert necessary provisions so that this report is published in the Official Gazette for the information of public.

Since the ILO Convention No. 147 was to come into force in India w.e.f. 26.9.1997, it was decided that four amendments be given effect to, by way of promulgation of an Ordinance so as to meet the International commitment. Since the Ordinance to replace the Bill could not be introduced in the winter session in 1997 or thereafter, and in order to have its continued effect, the Ordinance had to be re-promulgated twice, the last being on 23.4.1998. This Bill intends to replace the Ordinance promulgated in April, 1998.

The question was proposed.

THE DEPUTY CHAIRMAN: Shri John Fernandes. ...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Madam, I want to seek a clarification.

THE DEPUTY CHAIRMAN: On the Bill or something else?

RE: HIKE IN PETROL PRICES

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, I seek a clarification from you. Yesterday, the hon. Finance Minister made a statement in this House that the additional money that they had fraudulently charged, the petrol pumps, would be realised and deposited for building of national highways....

THE DEPURTY CHAIRMAN: Petrol thing is not taken up.

SHRI GURUDAS DAS GUPTA: Madam, today, a number of people came to me and they wanted to draw our attention, i.e. your attention, that since petrol pumps did not give them the receipts, how the huge money, that was fraudulently charged, would be taken back. ...(*Interruptions*)... Madam, I only say that since the hon. Minister made a commitment in this House, it is in the fitness of things that the Minister makes it clear as to how the money so realised, fraudulently, by the petrol pumps will be taken back by the Government and deposited in its account for building of national highways. There is just a confusion, a serious confusion, and, therefore, the Government must make this point clear; otherwise, its credibility is going to be affected, and our credibility also is going to be affected. It has come out in the Press. Nobody knows how it is going to be done. Madam, I have drawn the attention....

THE DEPUTY CHAIRMAN: I don't know how your credibility has come into this!

SHRI GURUDAS DAS GUPTA: Madam, I am part of this House. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Today, in the morning, Mr. Jitendra Prasad and Mr. Deo came to Hon. Chairman, and they wanted to raise this issue in the House. Mr Chairman said, "Tomorrow you can discuss this matter." Today, the Finance Minister is not here. We are already in the process of a Bill. Let us go ahead. You have made your point. The Ministers are here. They will inform the Minister concerned.

SHRI M. VENKAIAH NAIDU (Karnatak): Madam, I may be allowed. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: You can't answer!

SHRI M. VENKAIAH NAIDU: I don't want to be allowed to answer.

I am only trying to find out. ...(*Interruptions*)...

SHRI JOHN F. FERNANDES: He is the Party's spokesperson!

SHRI M. VENKAIAH NAIDU: Madam, the hon. Member has brought to the notice of the House a relevant thing because yesterday a suggestion was made that this money should be accounted.

SHRI GURUDAS DAS GUPTA: The Minister himself said that.

SHRI M. VENKAIAH NAIDU: I agree. I am not denying that. That point that the hon. Member has made is whether the petrol pumps did not give receipts. I don't think anybody can take petrol without a receipt. ...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: He does not know! ...(*Interruptions*)...

The hon. Member has not gone to a petrol pump of Delhi.

He might have gone somewhere else!

SHRI JOHN. F. FERNANDES (Goa): They did not give receipts. What is this?

THE DEPUTY CHAIRMAN: They don't give!

SHRI GURUDAS DAS GUPTA: Madam, no receipt was given. ...(*Interruptions*)...

SHRI JOHN F. FERNANDES: The Government has no right to accommodate it soemwhere else. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Order, please. ...(*Interruptions*)... Order please.

SHRI GURUDAS DAS GUPTA: Kindly ask Mr. Malhotra. He is a Delhi-ite. Let him confirm. No receipt is given. ...(*Interruptions*)... You confirm from him. ...(*Interruptions*)...